



Second Motion for Declaratory Judgment, ECF No. 26, should be denied. *Id.* at 25–26.

Parties have fourteen days from service of a Report and Recommendation of a United States Magistrate Judge to file written objections. *See* 28 U.S.C. § 636(b)(1)(C).<sup>1</sup> Over fourteen days have elapsed since all parties were served with the R&R, and no objections have been filed. *See* Certified Mail Receipt, ECF No. 48.

When parties do not file written objections, courts apply a “clearly erroneous, abuse of discretion and contrary to law” standard of review to a report and recommendation. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (“[T]he ‘clearly erroneous, abuse of discretion and contrary to law’ standard of review . . . is appropriate . . . where there has been no objection to the magistrate’s ruling.”); *Rodriguez v. Bowen*, 857 F.2d 275, 276–77 (5th Cir. 1988) (“[A] party is not entitled to de novo review of a magistrate’s finding and recommendations if objections are not raised in writing by the aggrieved party . . . after being served with a copy of the magistrate’s report.”). After reviewing the R&R, the Court agrees with the Magistrate Judge’s proposed findings of fact and conclusions of law and finds that they are neither clearly erroneous nor contrary to law. *See Wilson*, 864 F.2d at 1221.

Accordingly, the Court **ADOPTS** the R&R, ECF No. 46, in its entirety, and **ORDERS** that (1) Defendant State of Texas’s Motion to Dismiss, ECF No. 6, is **GRANTED**; (2) Defendant Judge Sergio Enriquez’s Motion for Judgment on the Pleadings, ECF No. 7, is **GRANTED**; (3) Defendants American Arbitration Association and Guy Bluff’s Motion to Dismiss, ECF No. 10, is **GRANTED**; (4) Defendant Evanston Insurance Company’s Motion to Dismiss, ECF No. 8, is **GRANTED**; (5) Plaintiff’s Motion for Judgment on the Pleadings, ECF

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<sup>1</sup> Federal district courts conduct de novo review of those portions of a report and recommendation to which a party has objected. *See* 28 U.S.C. § 636(b)(1)(C) (“A judge . . . shall make a de novo determination of those portions of the report . . . to which objection is made . . .”).

No. 16, is **DENIED**; (6) Plaintiff's Motion for Declaratory Judgment, ECF No. 18, is **DENIED**; and (7) Plaintiff's Second Motion for Declaratory Judgment, ECF No. 26, is **DENIED**. *Id.* at 25–26.

**SO ORDERED.**

**SIGNED this 30th day of August, 2022.**



KATHLEEN CARDONE  
UNITED STATES DISTRICT JUDGE